

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1, 3-6, and 8-12 are pending in the application, with 1, 6, and 10 being the independent claims. Claims 2 and 7 are sought to be canceled without prejudice to or disclaimer of the subject matter therein. Claims 13-15, 18-20, and 26-27 have been withdrawn from further consideration in the present application. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Request for clarification

In the Office Action dated January 2, 2003, the Examiner rejected claims 1-3 and 5-11 under 35 U.S.C. §102(b) as being anticipated by Tanno, et al., U.S. Patent 6,078,572 (Tanno). Applicants respectfully submit that Tanno is not available as a reference under §102(b). Section 102(b) states in relevant part:

“A person shall be entitled to a patent unless (b) the invention was patented or described in a printed publication in this or a foreign country ... more than one year prior to the date of application for patent in the United States.”

Applicants' filing date for the present application is November 15, 1999. The issue date of the Tanno reference is June 20, 2000. Because Tanno issued after Applicants' filing date, Applicants submit that Tanno is not a valid §102(b) reference. Applicants will assume that

the stated rejection under §102(b) was a clerical error by the Examiner and that he instead intended to reject the same claims under 35 U.S.C. §102(e). If this assumption is incorrect, Applicants request that the Examiner issue a corrected non-final Action resetting the date for response.

Amendment to the Title

Applicants propose to amend the title to "Method and Apparatus for Controlling Transmissions in Communications Systems." Applicants respectfully submit that the amended title complies with the requirements of 37 C.F.R. 1.72.

Rejections under 35 U.S.C. § 102

In the Office Action dated January 2, 2003, the Examiner rejected claims 1-3 and 5-11 under 35 U.S.C. §102(b)¹ as being anticipated by Tanno. This ground of rejection is respectfully traversed with respect to claims 1, 3, 5, 6, and 8-11 as presented for reconsideration.

Applicants submit that Tanno does not teach or suggest every feature recited in Applicants' currently amended independent claims 1, 6, and 10. Tanno describes a terrestrial mobile communication system in which a common channel for communications from a group of mobile stations to a base station is divided into an access channel and a number of message channels. Data items can be transmitted by any of the mobile terminals in the access channel. However, if a larger data item is to be transmitted by a mobile station,

¹ For reasons noted above, Applicants believe this rejection under §102(b) constitutes a clerical error and that the Examiner intended to reject the claims under §102(e). If this belief is incorrect, it is requested that

the mobile station sends a transmission request in the access channel and the base station allocates a time in a message channel for transmission of the data.

Applicants' invention, on the other hand, calls for varying the timing of transmission of status reports in an access channel. Tanno describes only varying the timing of transmission of data in message channels.

For the foregoing reasons, Applicants submit that Tanno does not disclose or teach the use of an access channel shared among multiple transceivers as recited in currently amended independent claims 1, 6, and 10. In addition, the rejections of claims 3 and 5 which depend from amended claim 1, claims 8 and 9 which depend from amended claim 6, and claim 11 which depends from amended claim 10 as anticipated by Tanno are respectfully traversed based on the foregoing argument.

Rejections under 35 U.S.C. § 103

In the Office Action, the Examiner rejected claim 4 under 35 U.S.C. §103(a) as being unpatentable over Tanno in view of Chuah, U.S. Patent 6,327,254 (Chuah). Applicants respectfully transverse this ground of rejection with respect to claim 4.

Claim 4 has been amended to depend from currently amended independent claim 1. The differences between the subject matter claimed in amended claim 1 and the disclosure of Tanno have been discussed above. Chuah adds nothing to Tanno that overcomes the deficiencies of Tanno relative to the herein claimed invention. For at least these reasons,

claim 4 is patentable over the combination of Tanno and Chuah. Reconsideration and withdrawal of this ground of rejection is therefore respectfully requested.

In the Office Action, the Examiner rejected claim 12 under 35 U.S.C. §103(a) as being unpatentable over Tanno in view of Usui, U.S. Patent 6,430,172 (Usui). Applicants respectfully transverse this ground of rejection with respect to claim 12.

Claim 12 depends from currently amended independent claim 10. The differences between the subject matter claimed in amended claim 10 and the disclosure of Tanno have been discussed above. Usui adds nothing to Tanno that overcomes the deficiencies of Tanno relative to the herein claimed invention. For at least these reasons, claim 12 is patentable over the combination of Tanno and Usui. Reconsideration and withdrawal of this ground of rejection is therefore respectfully requested.

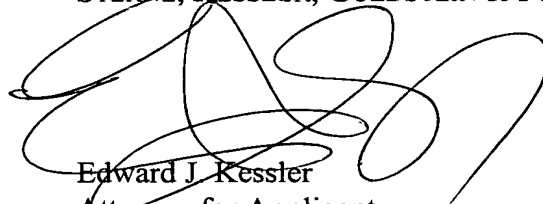
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A large, stylized handwritten signature in black ink, appearing to read 'E. J. Kessler', is written over the printed name and title.

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